

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

WALKER & SONS, INC.

*** CIVIL ACTION**

VERSUS

*** NO.**

**PUNCH YA DADDY, L.L.C. AND
KIRBY FALCON**

*** SECTION:**

*** * * * ***

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES
OF THE UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA**

PUNCH YA DADDY, L.L.C. and KIRBY FALCON, through undersigned counsel, and pursuant to 28 U.S.C. § 1441 and § 1446, with full reservation of all rights and defenses, respectfully submits this notice of removal ("Notice of Removal") of a civil action currently pending against it in the 13th Judicial District Court for the Parish of Evangeline, State of Louisiana.

In support of this Notice of Removal, Punch Ya Daddy, L.L.C. and Kirby Falcon aver as follows:

1. On September 25, 2009, a civil action styled Walker & Sons, Inc. versus Punch Ya Daddy, L.L.C. and Kirby Falcon, Suit No. 71039-B, of the 13th Judicial

District Court for the Parish of Evangeline, State of Louisiana, Walker & Sons, Inc. filed suit against defendants, Punch Ya Daddy, L.L.C. and Kirby Falcon. A copy of Plaintiff's Petition is attached hereto as Exhibit "A".

2. Kirby Falcon was served with citation and a copy of Plaintiff's Petition on October 6, 2009. A copy of the Citation is attached hereto as Exhibit "B".

3. Petitioner did not request service on Punch Ya Daddy, L.L.C.

4. The civil action brought by Petitioner in the 13th Judicial District Court for the Parish of Evangeline, State of Louisiana is one over which the district courts of the United States have original jurisdiction.

5. The United States District Court for the Western District of Louisiana is the district court of the United States for the district and division embracing the place where Petitioner's state court action is pending.

6. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, as Petitioner asserts Federal claims pursuant to 15 U.S.C. § 1114, 15 U.S.C. § 1125(2)(3), and 15 U.S.C. § 1125(c)(4).

7. Petitioner, Walker & Sons, Inc., is a citizen of Louisiana, with its principal place of business in Evangeline Parish, State of Louisiana.

8. Defendant, Punch Ya Daddy, L.L.C. is a Limited Liability Company organized under the laws of the State of Louisiana, and has its principal place of business in the Parish of Terrebonne, State of Louisiana.

9. Defendant, Kirby Falcon, is a citizen of the State of Louisiana,

Parish of Terrebonne.

10. Punch Ya Daddy, L.L.C. and Kirby Falcon have complied with the procedure requirements for removal under 28 U.S.C. § 1446.

11. The instant Notice of Removal has been signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

12. A copy of all process, pleadings, and orders served upon Walker & Sons, Inc. in this action are attached hereto. See the Petition attached hereto as Exhibit "A" and Citation attached hereto as Exhibit "B".

13. This Notice of Removal is being filed within thirty (30) days of Punch Ya Daddy's and Kirby Falcon's first receipt, through service or otherwise, of a copy of the initial pleading setting forth Petitioner's claim for relief upon which this action is based.

14. Punch Ya Daddy and Kirby Falcon will promptly give written notice of this Notice of Removal to all adverse parties to this litigation by mailing copies of this Notice of Removal to them.

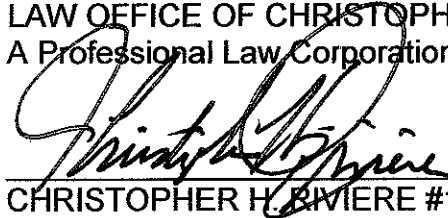
15. Punch Ya Daddy and Kirby Falcon will file a copy of this Notice of Removal with the Clerk of Court of the 13th Judicial District Court for the Parish of Evangeline, State of Louisiana. Notice of Filing of Notice of Removal is attached hereto as Exhibit "C".

WHEREFORE, Punch Ya Daddy and Kirby Falcon respectfully pray that

this Notice of Removal be deemed good and sufficient, and that the proceeding bearing Number 71039-B of the 13th Judicial District Court for the Parish of Evangeline, State of Louisiana, be removed to the docket of this Honorable Court.

Respectfully submitted,

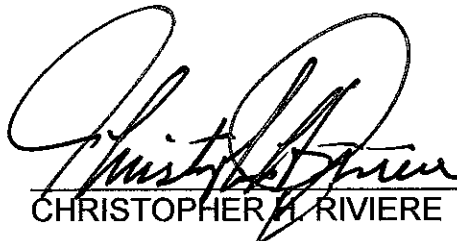
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and Kirby Falcon

CERTIFICATE

I hereby certify that a copy of the above and foregoing pleading has been electronically filed with the Clerk of Court using the CM/ECF system and has been mailed to all counsel of record this 20th day of October, 2009, by depositing same in the U.S. Mail, postage prepaid.


CHRISTOPHER H. RIVIERE